

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

It is noted that Information Disclosure Statements were filed on March 9, 2006 and March 17, 2006. It is respectfully requested that the Examiner consider the aforementioned Information Disclosure Statements and return initialed and dated copies of the Forms PTO/SB/08a that accompanied the same.

Claims 4 and 6-10 were rejected under 35 USC 112, second paragraph, as being indefinite. The claims have been revised above to correct the minor idiomatic and antecedent basis issues noted by the Examiner. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-5, 13-19 and 23-28 were rejected under 35 USC 102(b) as being anticipated by Boutwell. Applicant respectfully traverses this rejection.

In accordance with the invention as defined in claims 1 and 25-27, with reference to an illustrated example embodiment, the fuel discharged from the pump (32) is regulated by the pressure regulator (80) through the fuel filter (60). Thus, the pump module defined in claims 1 and 25-27 is protected from clogging.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art

reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

In contrast to the claimed invention, Boutwell discloses that the fuel to be introduced into a low pressure side inlet is regulated by the pressure regulator (4). Further, in Boutwell, the regulated fuel is introduced into the pump (52) through filter (32). Therefore, the fuel pump in Boutwell has a clogging problem and does not correspond to the assembly claimed by applicant. Indeed, because the fuel pump taught by Boutwell is not configured to discharge fuel from the fuel pump through the fuel filter, to eliminate contaminants in the fuel discharged from the fuel pump, it is respectfully submitted that Boutwell does not anticipate claim 1.

Although the Examiner refers to a passage of Boutwell as allegedly disclosing that "a portion" of the pumped fuel that passes through the pressure regulator is returned to pass through the filter element, it is respectfully submitted that this does not teach or suggest a pressure regulator for regulating pressure of fuel discharged from the fuel pump through the fuel filter and does not teach or suggest a filter element that is accommodated in the filter casing and eliminates contaminants in the fuel discharged from the fuel pump. Even if a portion of the fuel is returned to pass through the filter, this does not meet the express limitations of claim 1 regarding the fuel discharged from the fuel pump. Furthermore, claim 1 specifically requires that the retrieve passage for circulating flow to the pressure regulator extend from the discharge opening of the filter casing to the regulator inlet of the pressure regulator. Boutwell does not disclose flow from the discharge opening of the filter casing downstream of a fuel pump through the pressure regulator as claimed.

In view of the foregoing, reconsideration and withdrawal of the rejection based on Boutwell is requested.

Claims 6-10 were rejected under 35 USC 102(b) as being anticipated by Izutani. Applicant respectfully traverses this rejection.

Claim 6 as clarified hereinabove recites more specifically that the check valve 79 is accommodated in the inner surface of the fuel inlet 68 of the fuel filter. Claim 6 further provides that an O-ring 38 is disposed to seal between the discharge portion 34 of the fuel pump 32 and the fuel inlet 68 of the fuel filter 60. In contrast to the configuration disclosed by applicant and claimed in particular in claim 6, although an O-ring 147 is disposed on an inlet side of the regulator in Izutani, no O-ring is disposed near check valve 112. Accordingly, if a sealing failure occurs so that the fuel leaks, the residual pressure of the fuel will not be maintained. Providing an O-ring 38 as disclosed and claimed by applicants effectively seals between the discharge portion 34 of the fuel pump 32 and the full inlet 68 of the fuel filter so that residual pressure is maintained.

In view of the foregoing, reconsideration and withdrawal of the rejection based on Izutani is requested.

Applicant notes with appreciation the Examiner's indication that claims 11, 20-22 and 29-47 are allowed.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

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Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "Michelle N. Lester", written over a horizontal line.

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